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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/741,666

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Johannes Maria Marcus Busio

PHN 17,824

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04/23/2003

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EXAMINER

GEMMELL, ELIZABETH M

ART UNIT

PAPER NUMBER

2882

DATE MAILED: 04/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/741,666

Applicant(s)

BUSIO ET AL.

Examiner

Beth Gemmell

Art Unit

2882

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are ~~not~~ not in compliance with the election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Receipt is acknowledged of the amendments/election filed 2 April 2003.

Claims 9-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected Group II, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in Paper No. 8.

Applicant's election with traverse of Group I in Paper No. 8 is acknowledged. The traversal is on the ground(s) that the device and apparatus are so closely related that it would not burden the examiner. This is not found persuasive because sputtering, vapor deposition or spray paralysis could be used to manufacture the plasma display panel. In response to the applicants' arguments, the two groups are classified in different classes and the manufacturing method would require a separate search. Therefore there the search of both the apparatus and the manufacturing method would impose an undue burden to the examiner.

The requirement is still deemed proper and is therefore made FINAL.

Specification

The disclosure is objected to because of the following informalities:

- Section subheadings are missing from the entire specification.

Appropriate correction is required.

The use of the trademark Ludox has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

Claim Objections

Claim 3 is objected to because of the following informalities:

- The limitation of a “dielectric layer including more than one sub-layer” is vague. It is unclear to the examiner if the dielectric layer itself has several layers that together make a dielectric layer or if the sub-layer has what is commonly known in the art as protective layers.
 - The examiner has interpreted the plural sub-layers to be protective layers. The claim has been addressed accordingly below.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1,2,4-6, and 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Ushifusa et al. (US Patent 5,818,168).

Re claims 1,4,5 and 6: Ushifusa et al. discloses in figure 1a and throughout the disclosure, a plasma display device comprising a dielectric layer (7a and b) separating electrodes from a discharge chamber wherein the dielectric layer includes silicon oxide in which trimethylborate is present. (column 9, lines 4+)

Re claims 2 and 12: Ushifusa et al. discloses the thickness of the dielectric layer to be 0.02mm which is greater than the applicants claim of greater than 15 micrometers therefore it is within the claimed range.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 3, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ushifusa et al. in view of Ernsthausen (US Patent 4,794,308).

Ushifusa et al. shows all the limitations as evidenced above.

Ushifusa et al. fails to disclose more than one sub-layer and a layer for absorbing radiation including zirconium oxide.

Re claim 3: Ernsthausen discloses in figure 5 and throughout the disclosure more than one sub-layer in the dielectric layer (10,118 and 120).

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the plasma display panel disclosed by Ushifusa et al. with the layers of Ernsthausen because the voltage becomes more uniform and the stability of the panel is increased (column 8, lines 12+) thereby significantly increasing and enhancing the life expectancy of the plasma display panel.

Re claims 7 and 8: Ernsthausen discloses an absorbing layer including zirconium oxide (column 8, lines 18+), which therefore absorbs the radiation having a wavelength greater than 175nm.

One of ordinary skill in the art at the time the invention was made would have been motivated to combine the plasma display panel disclosed by Ushifusa et al. with a layer of zirconium oxide of Ernsthausen because the voltage becomes more uniform and the stability of the panel is increased (column 8, lines 12+) thereby significantly increasing and enhancing the life expectancy of the plasma display panel.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Gemmell whose telephone number is (703) 305-1937. The examiner can normally be reached on Monday-Thursday 6:30-5.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

emg
April 18, 2003


ROBERT H. KIM
SUPERVISOR, EXAMINER
TECHNOLOGY CENTER 2000